



Virginia
Regulatory
Town Hall

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Exempt Action Final Regulation Agency Background Document

Approving authority name	State Air Pollution Control Board
Primary action	9 VAC 5-91-20
Secondary action(s)	None
Regulation title	Regulation for the Control of Motor Vehicle Emissions in the Northern Virginia Area (9 VAC 5 Chapter 91)
Action title	Replica Vehicles (Rev. ML)
Date this document prepared	October 22, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99)

Summary

Please provide a brief summary of the regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment.

Chapter 325 of the 2007 Acts of the Assembly addresses Title 46.2 of the Code of Virginia pertaining to specially constructed, reconstructed or replica vehicles. Section 46.2-602.1 is a new section that specifically pertains to replica vehicles and requires that any vehicle registered as a replica vehicle "shall be subject to vehicle safety inspections as provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 and emissions inspections as provided for in Article 22 (§ 46.2-1176 et seq.) of Chapter 10." The new language also requires that the replica vehicles meet safety and emissions requirements as established for the model year of which the vehicle is a replica. Specially constructed and reconstructed vehicles are not required to meet the emissions standards, however, they are required to be branded as a "specially constructed", "reconstructed" or "replica" as appropriate at the time of titling and registration (§ 46.2-625).

Regulation Concerning the Control of Motor Vehicle Emissions in the Northern Virginia Area (9 VAC 5 Chapter 91) has been amended to incorporate the requirements of Chapter 325 of the Acts of the Assembly. Any vehicle registered by the Department of Motor Vehicles as a replica vehicle is included in the definition of "Affected motor vehicle" to ensure that those vehicles are subject to emissions testing. Definitions for "specially constructed vehicle", "reconstructed vehicle" and "replica vehicle" have also been added for clarity.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On October 10, 2007, the State Air Pollution Control Board adopted final amendments to the regulation entitled "Regulation for the Control of Motor Vehicle Emissions in the Northern Virginia Area (9 VAC 5 Chapter 91). The regulation amendments are to be effective as provided in the Administrative Process Act.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a, of the Administrative Process Act because they are necessary to conform to Virginia statutory law.

In adopting these amendments, the Board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.

Additional Information

Please indicate that the text of the regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law.

If the exemption claimed falls under § 2.2-4006 A 4 c of the APA please identify the federal law or regulations being relied upon for the final agency action.

The text of the regulation is attached.

Section 46.2-1180 of the Virginia Motor Vehicle Emissions Control Law (Title 46.2, Chapter 10 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations for the control of motor vehicle emissions. Letters providing written assurance from the Office of the Attorney General that (i) the Board has statutory authority to promulgate the final regulation amendments and (ii) the amendments qualify as an exemption under § 2.2-4006 A 4 a of the Administrative Process Act are available upon request.

Family Impact

Assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

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